

WETLANDS COUNCIL

MINUTES

April 11, 2006

The Wetlands Council met on Tuesday, April 11, 2006 at the Department of Environmental Services, 29 Hazen Dr., Concord, NH

Attendees: Brian K. Fowler, Chairman, Lawrence E. Morse, Sharon Champagne, John S. Cobb, William M. Dannehy, Camilla Lockwood, Paul W. Goodwin, Seth Prescott, Jack Ruderman, Russ St. Pierre and Thomas Sloan

Absentee: Thomas G. Chrisenton, Lee Perry/designee.

The meeting was called to order by Chairman Brian K. Fowler at 9:00 a.m.

Councilor Fowler noted that Bill Ingham, Fish & Game designee to the Wetlands Council, has retired from state service.

The following resolution was introduced by Councilor Dannehy, seconded by Councilor Lockwood and unanimously passed:

BE IT RESOLVED: That the Wetlands Council expresses its thanks and appreciation to William Ingham for his many years of dedicated and valued service to the council and wishes Mr. Ingham a happy and fulfilling retirement.

1. Approval of Minutes of March 14, 2006 Meeting

A motion was made by Councilor Morse and seconded by Councilor Champagne to approve the minutes of March 14, 2006 as presented. It was unanimously voted.

*Councilor Sloan arrived after this vote.

2. Status of Appeals

Michael Sclafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- Docket No. 02-16 WtC - Donald S. Thompson: WB #2002-01019
A stay remains in effect.
- Docket No. 04-21 WtC - Lakeshore Realty Trust: WB #2001-01294
On March 15, 2006, the appellant filed an Assented-to Motion to Continue. On March 20, 2006, a Decision & Order was issued to grant the Motion to Continue to June 20, 2006.

- Docket No. 05-04 WtC - Philip and Georgette Smith: WB #2000-00914
On March 15, 2006 a Decision & Order to deny the Motion for Reconsideration of Decision on Motion to Continue was issued. The hearing is scheduled for September 12, 2006 at 10:00 a.m.
- Docket No. 05-12 WtC - Town of Barrington: WB #2004-02817
On March 27, 2006 the appellant filed a Motion for Reconsideration of the council's March 7, 2006 order to deny this appeal.

Councilor Morse recused himself from the discussion and vote on this appeal.

Councilor Goodwin made a motion to grant the appellant's Motion for Reconsideration and to remand to the Bureau for clarification, pursuant to RSA 482-A:11,IV, its May 26, 2005 approval to applicant, Garrison Place Real Estate Investment Trust. Councilor Lockwood seconded the motion and it was unanimously voted.

The council will issue a written decision in this matter as soon as practicable.

- Docket No. 05-23 WtC - Joseph Develis, Jr.: WB #2004-02959
On March 14, 2006 a pre-hearing conference was held, at which time the parties requested that the PHC be recessed. The appellant will either withdraw this appeal or request that the PHC be convened on or before May 14, 2006.
- Docket No. 05-24 WtC - Marconi: WB #2004-02046
A certified record was filed with the council on March 24, 2006, pursuant to a motion by DES to extend the time to file. A pre-hearing conference is scheduled for today at 10:00 a.m.
- Docket No. 06-01 WtC - Sumac Corp: WB #2005-00558
On March 29, 2006 DES filed its certified record with the council. On March 31, 2006, Mary Ann Tilton of the Wetlands Bureau filed an appearance on behalf of DES. A pre-hearing conference is scheduled for today at 1:00 p.m.
- Docket No. 06-02 WtC - Bodanza: WB #2002-02483
On March 14, 2006 a Notice of Appeal was timely filed by Attorney David P. Bodanza on behalf of George and Sandi Schussel, Jellicle Investors, Inc., Mark and Martha Billings, and Hornet's Nest Point, LLC. This is an appeal of the February 16, 2006 denial by DES to reconsider the issuance of Wetlands and Non-Site Specific Permits to The Wilds Christian Association, Inc. dated December 2, 2005.

Councilor Sloan made a motion to accept this appeal. Councilor Morse seconded the motion and it was unanimously voted.

- Docket No. 06-03 WtC - Donald & Mary Larson: WB #2005-02387
On March 15, 2006 a Notice of Appeal was timely filed appealing the February 13, 2006 denial by DES to reconsider the denial of the Larsons' application to construct a dug-in boathouse at Lake Winnepesaukee in Meredith.

Councilor Goodwin recused himself from discussion and vote on this appeal.

A motion was made by Councilor Morse to accept this appeal. Councilor Prescott seconded the motion and it was unanimously voted.

9:20 - The Council recessed

9:25 - The Council reconvened

3. Wetlands Bureau Update

Collis Adams, Wetlands Bureau Administrator, advised the council that the Wetlands Bureau 2005 Annual Report will be available for distribution at the council's next meeting. Mr. Adams briefly updated the council on the status of legislation affecting the Wetlands Bureau.

4. Old Business

No old business was brought before the council.

5. Other Business

Councilor Morse reported on the Operating Committee activities. The committee has met twice since the council's March 14th meeting. The committee will initially proceed to review two issues: (1) DES performance with respect to legislative mandates, and (2) DES rulemaking process.

Councilor Morse indicated that Seth Prescott will replace Bill Ingham on the Operating Committee.

6. Next Meeting

The next meeting is tentatively scheduled for May 9, 2006.

7. Adjournment

A motion was made by Councilor Cobb, seconded by Councilor Lockwood and unanimously voted to adjourn.

The meeting adjourned at approximately 9:50 a.m.